

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Charles E. Bailey,

Plaintiff,

v.

Case No. 2:13-cv-60

Carolyn W. Colvin,
Acting Commissioner of
Social Security,

Defendant.

ORDER

This matter is before the court on the November 7, 2013, report and recommendation of the magistrate judge recommending that the joint motion for remand filed by the parties be granted. The parties have jointly petitioned this court to enter an order and judgment reversing the final decision of the Commissioner and remanding this case to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. §405(g), for further administrative proceedings.

The report and recommendation specifically advised the parties that the failure to object to the report and recommendation within fourteen days of the filing of the report would result in a "waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court[.]" Doc. 21, p. 2. The time period for filing objections to the report and recommendation has expired, and no party has objected to the report and recommendation.

The court has reviewed the report and recommendation of the magistrate judge. Noting that no objections have been filed and that the time for filing such objections has expired, the court

adopts the report and recommendation of the magistrate judge (Doc. 21). The joint motion for remand (Doc. 20) is granted. Pursuant to sentence four of §405(g), the decision of the Commissioner is hereby reversed, and this case is remanded to the Commissioner for further administrative proceedings. On remand, the administrative law judge shall consider whether plaintiff was disabled due to statutory blindness prior to November 1, 2011, and shall re-evaluate the severity of plaintiff's other impairments at step two of the sequential evaluation.

The clerk is directed to enter judgment reversing the Commissioner's decision under sentence four of 42 U.S.C. §405(g) and remanding this case to the Commissioner for further administrative proceedings pursuant to this order.

It is so ordered.

Date: December 2, 2013

s/James L. Graham
James L. Graham
United States District Judge